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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,349	12/12/2006	Richard Van Der Ark	207,515	3637
Abelman Fray	7590 09/27/2010 ne & Schwah		EXAM	INER
150 East 42nd Street New York, NY 10017-5612			WONG, LESLIE A	
			ART UNIT	PAPER NUMBER
			1781	
			MAIL DATE	DELIVERY MODE
			09/27/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## 10/573 349 VAN DER ARK ET AL

Application No.

Applicant(s)

Leslie Wong		10/0/0/0/0	THE DESCRIPTION OF THE PARTY OF				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions for many be available under the provisions of 37 CFR 1.1380, in one cent, however, may anyly be timely filed  If NO period for reply is appecified above, the maximum statutory period will apply and will expire SIK (8) MONTHS from the mailing date of this communication.  Fallow to reply which the sist of readed period for reply is appecified above, the maximum statutory period will apply and will expire SIK (8) MONTHS from the mailing date of this communication.  Fallow to reply within the sist or charded period for reply will be stated in communication.  Fallow to reply within the sist or source of January and Jan	Office Action Summary	Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 31 CFR 1.136(a). In one went, towever, may a reply be timely filled.  Extensions of time may be available under the provisions of 31 CFR 1.136(a). In one went, towever, may a reply be timely filled.  Extensions of time may be available under the provisions of 31 CFR 1.136(a). In one went, towever, may a reply be timely filled, may reply be timely filled.  It is a compared to the market of this communication.  Status  1   Responsive to communication (s) filled on		Leslie Wong	1781				
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2a)  This action is FINAL. 2b) This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 37-101 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b	Status						
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3) X Information Disclosure Statement(s) (FTO(S3(02)) 5) Notice of Informal Patent Application		Interview Summary     Paper No/s VMail Da	(PTO-413) ate.				
		5) Notice of Informal P	atent Application				

Paper No(s)/Mail Date 4/20/2007. Other: \_\_\_\_\_. Application/Control Number: 10/573,349

Art Unit: 1781

The Information Disclosure Statement filed April 20, 2007 has been considered. It is noted that reference AJ has been lined through as the document number and date do not match.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 63-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 63 and its dependent claims are indefinite as to "(t)he composition according to claim 59" as claim 59 is not a composition claim.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. Application/Control Number: 10/573,349

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Claims 37-101 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wolf et al (US 5114492).

Wolf et al teach a composition and process for preparing comprising preparing a caramelized carbohydrate and removing color, wherein the composition is used in foods and beverages such as beer (see entire patent, especially Figure 1).

The claims appear to differ as to the recitation of absorption values, the presence of pyrazine derivatives, and the resistance to light induced flavor changes.

The claimed absorption values, pyrazine amounts, and light resistance would be no more than inherent and/or obvious to that of Wolf et al as the same components and process steps are used.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571)272-1411. The examiner can normally be reached on Tuesday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie Wong/ Primary Examiner, Art Unit 1781

LAW September 22, 2010